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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In Re The Application of:
Michael A. Cleron et al.

Serial No.: 08/435,377

Filed: May 5, 1995

For: EXTENSIBLE REPLACEABLE
NETWORK COMPONENT SYS-
TEM

Examiner: Caldwell, P.

Art Unit: 2755

Cesari and McKenna, L.J.P
30 Rowes Wharf
Boston, MA 02110
June 23, 1999

JUN 24 1999

Group 2700

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the following paper is being facsimile transmitted to Art Unit 2755 of the Patent and Trademark Office at 703-308-5359 on June 23, 1999.


Michael R. Reinemann

Honorable Assistant Commissioner for Patents
Washington, D.C. 20231

Sit:

RESPONSE AFTER FINAL

In response to the First Action Final mailed April 27, 1999, reconsideration and further examination of the application are respectfully requested.

Interview Summary

Applicants wish to thank the Examiner for according them a telephone interview on May 11, 1999. Participating the interview were Michael Reinemann counsel for the

PATENTS
112007-0008

applicants and Examiner Pat Caldwell. At the interview, the parties discussed the Rule 1.131 Declaration submitted on behalf of Apple Computer, Inc. ("Apple"), which is the assignee of the present application, as executed by Ms. Sari Harrison, an Engineering Manager at Apple. In the First Action Final, the Examiner rejected all of the pending claims, and stated that the "declaration of Sari Harrison is not a declaration made by all or less than all of the named inventors of the subject matter claimed or the assignee or other party of interest." The First Action Final provided no further explanation as to why the Declaration was deemed insufficient.

At the telephone interview, counsel asked the Examiner to explain why the Declaration was being considered deficient. Other than simply stating that "Ms. Harrison is not Apple", the Examiner was unable to articulate any reasoned basis for her conclusion. Counsel directed the Examiner's attention to ¶¶1 and 3 of the Rule 1.131 Declaration in which the Ms. Harrison avers that she is an Engineering Manager at Apple, that Apple is the assignee of the present application, and that the inventors are no longer employed by Apple. Counsel stated that, based on these assertions, the Declaration is, on its face, a declaration by the assignee. Counsel also stated that it is improper for the Patent Office to challenge the assertions made in a declaration. Nonetheless, the Examiner simply kept repeating her position that "Ms. Harrison is not Apple."

Counsel then asked whether it was the Examiner's position that only a Declaration from the President of Apple would be acceptable. The Examiner agreed that only the President of Apple could submit a Rule 1.131 Declaration on behalf of the assignee. Counsel explained that the President of Apple was unlikely to have first hand knowledge